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Via ECF and hand delivery

February 6, 2018

Hon. Debra Freeman  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Courtroom 17A  
New York, NY 10007

Re: Carlos M. Salas et al. v. Peter Salas et al.,  
Case No.: 16-cv-2248

Dear Magistrate Judge Freeman:

We represent Plaintiffs Carlos M. Salas and Ada Cristina Salas in the above captioned matter. We write in response to Defendants' letter dated February 3, 2018 and the Court's Order dated February 6, 2018 and respectfully request that the Court compel Defendants produce Dolphin Offshore Partners 2004 financial statement and sanction Defendants for their repeated refusal comply with their discovery obligations.

On January 24, 2018, during a telephone conference between the parties, Defendants' counsel represented that they would produce documents responsive to Plaintiffs' outstanding requests. After Defendants' most recent document production, which have been outstanding for months, Plaintiffs' counsel informed Defendants' counsel that the Dolphin Offshore financial statement for 2004, which was represented would be produced, was in fact not produced. In response Defendants' counsel stated:

I understand that we had initially agreed to produce the 2004 Dolphin Offshore financial statements; however, upon further consideration, we do not believe they are relevant given that Dolphin Direct was not created until 2004.

See email chain annexed hereto. Defendants' counsel then reaffirmed their intention not to produce this document. See *Id.*

This "objection" is frivolous and without basis in law or fact. This document is clearly relevant to the present litigation and well within the scope of permissible discovery. Defendants' have not provided a reasonable objection to producing these documents. Defendants' meaningless objection and failure to produce this document is exemplary of how Defendants and their counsel have continually

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attempted to hide documents and purposefully delay this litigation, causing unnecessary fees for Plaintiffs.

Accordingly, Plaintiffs respectfully renew their request that the Court order Defendants to produce such documents and sanction Defendants for the repeated obstructionist tactics.

We thank the Court for its attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alex Litt', with a stylized flourish at the end.

Alex Litt

Enclosures

cc: Daniel Osborn, Esq. (via ECF and email)  
*Attorney for Defendants*

**Litt, Alex**

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**From:** Dan Osborn <DOsborn@osbornlawpc.com>  
**Sent:** Tuesday, February 06, 2018 11:16 AM  
**To:** Deutsch, Herbert; Lindsay Trust; Litt, Alex  
**Cc:** Deutsch, Jeremy E.  
**Subject:** Salas et al. v. Salas et al., Case No. 16-cv-002248

Herb –

We have produced tens of thousands of pages of documents, including documents we believe are totally irrelevant. That includes the Dolphin Offshore files, for which we have now produced 7 years of audited financials and for which you have received years of tax returns from Cagan & Reilly. I do not think your cases hinge on the 2004 Dolphin Offshore financials.

I believe this is the only request outstanding. We will be glad to go to the Court and abide by whatever Order Judge Freeman issues.

Daniel

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**From:** Deutsch, Herbert [mailto:hdeutsch@andersonkill.com]  
**Sent:** Tuesday, February 6, 2018 10:22 AM  
**To:** Lindsay Trust <ltrust@osbornlawpc.com>; Litt, Alex <Alitt@andersonkill.com>  
**Cc:** Deutsch, Jeremy E. <jdeutsch@andersonkill.com>; Dan Osborn <DOsborn@osbornlawpc.com>  
**Subject:** RE: Salas et al. v. Salas et al., Case No. 16-cv-002248

I am cutting this short. You agreed to produce the 2004 financial statement and then over a week later refused. Either produce it by the end of the day or we are going to press our motion for sanctions. Your conduct and that of Dan is patently frivolous

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**From:** Lindsay Trust [mailto:ltrust@osbornlawpc.com]  
**Sent:** Tuesday, February 06, 2018 10:16 AM  
**To:** Litt, Alex  
**Cc:** Deutsch, Herbert; Deutsch, Jeremy E.; Dan Osborn  
**Subject:** Re: Salas et al. v. Salas et al., Case No. 16-cv-002248

Alex,

We are not available this morning. Daniel is traveling so I will need to check with him regarding availability later today.

In the meantime, please let us know your availability late afternoon today or tomorrow.

Lindsay

Lindsay Trust- Newman, Esq.

On Feb 6, 2018, at 10:00 AM, Litt, Alex <[Alitt@andersonkill.com](mailto:Alitt@andersonkill.com)> wrote:

Lindsay and Dan,

I am following up to schedule a call with you this morning. If we do not hear from you within the next hour, I will assume you do not wish to speak and I will be writing to the Court.

Regards,  
Alex

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**From:** Litt, Alex  
**Sent:** Monday, February 05, 2018 5:42 PM  
**To:** 'Lindsay Trust'; Deutsch, Herbert; Deutsch, Jeremy E.  
**Cc:** Dan Osborn  
**Subject:** RE: Salas et al. v. Salas et al., Case No. 16-cv-002248

Lindsay,

First, we do not have the Dolphin Offshore 2004 financial statement so your assumption is incorrect.

Second, your unilateral determination that the document is not relevant is completely meritless and without any basis in law or fact. You have still not provided a reasonable objection to producing this document, and your change of heart does not excuse your discovery obligations and failures. To that end this late posed objection is untimely. Furthermore, your logical leap in refusing to produce this document is absurd. As I understand your email, you will not produce the 2004 Dolphin Offshore financial statements because Dolphin Direct wasn't created until 2004?

Let us know your availability for a telephone conference tomorrow morning.

Alex

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**From:** Lindsay Trust [<mailto:ltrust@osbornlawpc.com>]  
**Sent:** Monday, February 05, 2018 3:10 PM  
**To:** Litt, Alex; Deutsch, Herbert; Deutsch, Jeremy E.  
**Cc:** Dan Osborn  
**Subject:** RE: Salas et al. v. Salas et al., Case No. 16-cv-002248

Hi Alex,

As we said in our February 3 submission to the Court, the documents produced on February 2 are emails with attachments. These documents are in response to items 3 and 7 in the January 24 follow-up letter.

We have produced the Dolphin Offshore financial statements for 2005 to 2011. I understand that we had initially agreed to produce the 2004 Dolphin Offshore financial statements; however, upon further consideration, we do not believe they are relevant given that Dolphin Direct was not created until 2004. Regardless, we understand that you already have the 2004 Dolphin Offshore tax returns so you should have whatever financial information you are looking for.

Should you have any questions, we are happy to discuss further and are available to do so by telephone.

Best,

Lindsay Trust

**Lindsay M. Trust - Newman, Esq.**

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[ltrust@osbornlawpc.com](mailto:ltrust@osbornlawpc.com)

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**From:** Litt, Alex [<mailto:Alitt@andersonkill.com>]

**Sent:** Monday, February 05, 2018 11:44 AM

**To:** Lindsay Trust <[ltrust@osbornlawpc.com](mailto:ltrust@osbornlawpc.com)>; Deutsch, Herbert <[hdeutsch@andersonkill.com](mailto:hdeutsch@andersonkill.com)>;

Deutsch, Jeremy E. <[jdeutsch@andersonkill.com](mailto:jdeutsch@andersonkill.com)>

**Cc:** Dan Osborn <[DOsborn@osbornlawpc.com](mailto:DOsborn@osbornlawpc.com)>

**Subject:** RE: Salas et al. v. Salas et al., Case No. 16-cv-002248

Lindsay,

I was able to access the documents yesterday. However, I have still not come across the 2004 Dolphin Offshore financial statements. Please let me know the bates stamp number for that document or send us a copy today.

Regards,

Alex Litt

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**From:** Lindsay Trust [<mailto:ltrust@osbornlawpc.com>]

**Sent:** Saturday, February 03, 2018 9:54 PM

**To:** Litt, Alex; Deutsch, Herbert; Deutsch, Jeremy E.

**Cc:** Dan Osborn

**Subject:** RE: Salas et al. v. Salas et al., Case No. 16-cv-002248

Alex –

You should have received an email from drop box to access a zip file with the documents.

The password to unzip the file is **drOap6Ou**.

Please let me know if you are unable to access the documents via dropbox.

Best,

Lindsay Trust

**Lindsay M. Trust - Newman, Esq.**

Osborn Law P.C.

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